

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

DAVID R. ROSENKILDE,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

No. 1:08CV67 LMB

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's amended complaint and motion to proceed in forma pauperis. Plaintiff appears to be attempting to bring an action under 42 U.S.C. § 405(g) for judicial review of the denial of social security benefits. Previously, the Court ordered plaintiff to submit an amended complaint because the original complaint did not state any facts that would entitle plaintiff to relief. The Court's Order stated, "In the amended complaint, plaintiff must set forth specific facts regarding the decision of the Commissioner that he wishes this Court to review and describe for the Court why he believes the Commissioner's decision was not based on substantial evidence."

Plaintiff has failed to comply with the Court's Order. In his amended complaint, plaintiff's sole statement of facts says, "I have been 100% disabled since

1992 and I was denied social security disability at that time.” The amended complaint is completely devoid of any of the specific facts regarding a recent decision of the Commissioner. As a result, the complaint fails to state a claim upon which relief can be granted, and the Court will dismiss this action pursuant to 28 U.S.C. § 1915(e) (authorizing sua sponte dismissal of suits filed in forma pauperis for failure to state a claim).

Accordingly,

IT IS HEREBY ORDERED that plaintiff’s motion to proceed in forma pauperis is **GRANTED**.

IT IS FURTHER ORDERED that this action is **DISMISSED** pursuant to 28 U.S.C. § 1915(e).

An Order of Dismissal shall accompany this Memorandum and Order.

Dated this 6th day of June, 2008.

A handwritten signature in black ink, appearing to read "Rodney W. Sippe", written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE